

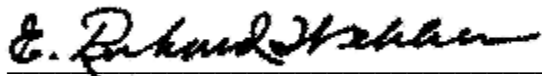
¹ The Motion originally concerned 10 documents, but the parties have since resolved their dispute as to four of those documents. Of the six still at issue, Defendants have produced five in redacted form and have withheld the other in its entirety.

It is impossible for the Court to determine whether these documents were properly redacted – or, in one case, withheld completely – because Defendants have declined to submit unredacted versions for the Court to review. With respect to most of the redactions at issue, Defendants argue in general terms that the withheld information relates to the solicitation or provision of legal advice concerning patent, intellectual property, regulatory, or freedom-to-operate issues, but the Court cannot conclude that Defendants have met their burden of establishing that attorney-client privilege applies without actually examining the disputed text. As such, Defendants will be ordered to either produce these documents to Monsanto or submit them for in camera review.

Accordingly,

IT IS HEREBY ORDERED that Defendants shall, no later than **June 3, 2011**, produce the six disputed documents to Monsanto in unredacted form or submit them to the Court for in camera review.

Dated this 27th Day of May, 2011.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE